



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,304	04/12/2000	YOSHIMI ISU	1163-270P	6441

2292 7590 09/10/2002

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

VO, TUNG T

ART UNIT PAPER NUMBER

2613

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/529,304

Applicant(s)

ISU ET AL.

Examiner

Tung T. Vo

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2613

## **DETAILED ACTION**

### ***Drawings***

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 07/29/02 have been approval. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 07/29/02 was filed after the mailing date of the Office Action, Paper No. 8 on 3/28/02. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5, and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Sekiguchi et al. (US 5, 764,658) as set forth in the Office Action Paper No. 8.

3. Claims 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Qian et al. (US 6,002,803) as set forth in the Office Action, Paper No. 8.

4. Claims 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Adolph et al. (US 5,825,430) as set forth in the Previous Office Action, Paper No. 8.

#### ***Response to Arguments***

5. Applicant's arguments filed 7/29/02 have been fully considered but they are not persuasive.

With regarding to claims 1-5 and 9-10, the applicant argued that Sekiguchi et al. does not directly decode a first coding scheme and a second coding scheme as recited in Applicant;s claimed invention combinations, pages 5 and 6 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that the Sekiguchi teaches the decoder (7 of fig. 5) for decoding the first coded bitstream in response the first header (4 of fig. 5) information or the first coded bitstream in response to the first header (4 of fig. 5) information based upon the controller (10 of fig. 5) or other units in the decoder for controlling decoding, where the controller (10 of fig. 5) starts the decoder (7 of fig. 5) when receiving the

Art Unit: 2613

header decoding end signal (21 of fig. 6), which means the decoder (7 of fig. 5) decodes the first coded bitstream or the second coded bitstream based upon the controller (10 of fig. 5) to initiate the header decoding end signal (Col. 9, lines 32-64). Sekiguchi further suggests the decoder (7 of fig. 5) that will be used for MPEG-2 and for future MPEG standard (Col. 23, lines 4-54). Therefore, Sekiguchi anticipates the claimed features.

With regarding to claims 6 and 8, Qian and Adolph et al. fail to teach a system that operates on a first coding scheme and a second coding scheme, pages 6 and 7 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that Qian does teach coding means (38 of fig. 2) for encoding first or second video objects, where the first video object has a first header information and the second video object has a second header information; and header information means (48 of fig. 10) for multiplexing into the first coded bit stream, header information (figs. 5 and 6), header information for ensuring compatibility with a second coded bit stream encoded in a second coding scheme, wherein the header information means having a start code and identification, an order information in each layer, decoding means (54 of fig. 2) for decoding the first or second bit stream based on the header information means; so this suggests the decoder decodes the first coded bitstream or the second coded bitstream based upon the results of the header information means; therefore Qian anticipates the claimed features.

Furthermore, Adolph does teach coding means (VE1 and VE2) for encoding first or second video object, where the first and second video objects have a first and second header information, respectively. Adolph further teaches header information means (MUX1, MMUX) for multiplexing into the first coded bit stream, header information, header information for

ensuring compatibility with a second coded bit stream encoded in a second coding scheme (figs. 1, 2), wherein the header information means having a start code and identification, an order information in each layer; and decoding means (VD1, VD2) for decoding the first or second bit stream based on the header information means (fig. 3), where layer 0, layer 1, and layer 2 are ready decoded. In view of the discussion above, Qian and Adolph anticipate the claimed features.

It is noted that the applicant has added new claims 11-16 to the present application; therefore new ground rejection(s) follows.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 9-11, 14-15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi et al. (US 5, 764,658) in view of Brusewitz (US 6,038,257).

Re claim 16, Sekiguchi teaches an image decoding apparatus for decoding a first coded bit stream into which first header information image coded data encoded by a first coding scheme (fig. 1), which is a first sequence layer, or for decoding a second coded bit stream (fig. 1), which is a second sequence layer, into which a second header information and image coded data encoded in a second coding scheme are multiplexed, where the image decoding apparatus comprises:

Art Unit: 2613

coding scheme decision means (2 and 4 of fig. 5) for making a decision as to whether a received coded bit stream based on a controller (10 of fig. 5) is the first code bit stream of the second coded bit stream of the second coded bit stream in response to the first or second header information is determined by a header information decoder (16 of fig. 6);

decoding means (7 of fig. 5) for decoding image-coding information on the second coding scheme include in the second header based on the header information decoder (16) by receiving the second coded bit stream;

setting means for setting (15 of fig. 6), by receiving the first coded bit stream, the image coding information on the second coding scheme in response to image coding information on the first coding scheme included in the first header information (fig. 7),,

wherein said image decoding apparatus (7 of fig. 5) would decode the image coded data included in the first coded bit stream or in the second coded bit stream in response to the image coding information set by said setting means (fig. 7) or response to the image coding information decoded by said decoding means, first layer and second are encoded based upon the first header information and second header information.

Re claims 1, 9-11, and 14-15, Sekiguchi discloses all limitations as set forth in the previous Office Action, Paper No. 8, and the discussion above, except the first coding scheme is the H.263 standard and the second coding scheme is MPEG-4 as specified in claims 11, 14, and 15.

However, Brusewitz teaches any decoder to be able to reconstruct video frames from a compressed bitstream, the format of the bitstream must be known to the decoder .

Standardization is one way to ensure that a bitstream is decoded correctly by different decoders

Art Unit: 2613

It is well known in the art that the digital video compression standards, such as MPEG-1, MPEG-2, MPEG-4, H.261, and H.263, a compression scheme called hybrid motion-compensated block-based video coding is employed, so this would suggest the first coding (compression) scheme is H.263 standard and the second coding (compression) scheme is MPEG-5 standard (col. 4, lines 15-26).

Taking the respective teachings of Sekiguchi et al. and Brusewitz et al. as a whole. It would have been obvious to one of ordinary skill in the art to implement the coding scheme by encoder to have H.263 and MPEG-4 coding (compression) scheme (standard) as suggested by Brusewitz et al (col. 4, lines 15-26) into the decoders (7 of fig.5) of Sekiguchi for the same purpose of accurately decoding the first coding scheme, H.263, or the second coding scheme MPEG-4 based upon the first header information or the second header information as claimed.

Doing so would allow the system to improve the display of a high-resolution image through integration with a corresponding lower resolution video image as suggested by Brusewitz (col. 1, lines 11-14).

8. Claims 6-8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qian et al. (US 6,002,803) in view of Brusewitz (US 6,038,257).

Re claims 6-8, 12 and 13, Qian teaches all limitations in the previous Office Action, paper No 8, and the discussion above, except the first coding scheme is the H.263 standard and the second coding scheme is MPEG-4 as specified in claims 12 and 13.

However, Brusewitz teaches any decoder to be able to reconstruct video frames from a compressed bitstream, the format of the bitstream must be known to the decoder.

Standardization is one way to ensure that a bitstream is decoded correctly by different decoders



Art Unit: 2613

. It is well known in the art that the digital video compression standards, such as MPEG-1, MPEG-2, MPEG-4, H.261, and H.263, a compression scheme called hybrid motion-compensated block-based video coding is employed, so this would suggest the first coding (compression) scheme is H.263 standard and the second coding (compression) scheme is MPEG-5 standard (col. 4, lines 15-26).

Taking the respective teachings of Sekiguchi et al. and Brusewitz et al. as a whole. It would have been obvious to one of ordinary skill in the art to implement the coding scheme by encoder to have H.263 and MPEG-4 coding (compression) scheme (standard) as suggested by Brusewitz et al (col. 4, lines 15-26) into the decoder of Qian for the same purpose of accurately decoding the first coding scheme, H.263, or the second coding scheme MPEG-4 based upon the first header information or the second header information as claimed.

Doing so would allow the system to improve the display of a high-resolution image through integration with a corresponding lower resolution video image as suggested by Brusewitz (col. 1, lines 11-14).

Kim (US 5,828,425) discloses an apparatus for decoding video data.

### *Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2613

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Tung T. Vo  
Examiner  
Art Unit 2613

T. Vo  
August 28, 2002

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800